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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,680	05/30/2001	Osami Ushigusa	1359.1047	5106

21171 7590 04/01/2008

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EXAMINER	
NAWAZ, ASAD M	

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
04/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/866,680	USHIGUSA, OSAMI	
	Examiner	Art Unit	
	ASAD M. NAWAZ	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-13,15-20 and 22-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-13,15-20 and 22-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the RCE filed 02/11/2008. Accordingly, claims 1-4, 6-13, 15-20 and 22-24 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/11/2008 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 6-13, 15-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US PGPUB 2002/0026349 A1), hereinafter referred to as Reilly further in view of Theimer et al (US Patent No. 5,493,692).

As to claim 1, Reilly teaches an information distribution apparatus for mediating distribution of information received from a sending apparatus of a sender and distributed to a receiving apparatus of a receiver, comprising: a sending/receiving control part for conducting communication via a network with the sending apparatus and the receiving apparatus; (Abstract; 0033, 0097-0101)

a distribution rank storage part for storing a distribution rank selected in advance by the receiver with respect to distribution information from the sender, among distribution ranks defining distribution conditions containing designation of a summarization degree of distribution information in a plurality of levels; (Abstract; 0015, 0017, 0031-0035 [Although the claim recites “a distribution rank selected in advance”, it does not mention what it is selected in advance of.])

a distribution information storage part for storing an original of distribution information received from the sending apparatus; (Abstract, 0015,0035, 0069, 0091-0093)

and a summarization processing part for, when receiving a request for distribution of stored distribution information received from the sending apparatus through the sending/receiving control part, obtaining from the distribution rank storage part a distribution rank previously selected by the receiver of the stored distribution information and selected based on its correspondence to the sender of the distribution information from the sender, and conducting summarization processing of the distribution information stored in the distribution information storage part in accordance

with designation of a summarization degree corresponding to the obtained distribution rank obtained and giving the distribution information, after processing by the summarization processing part, to the sending/receiving control part to distribute the distribution information to the receiving apparatus.(Abstract; 0015, 0017, 0031-0035, 0051, 0054, 0069)

an image information generating part adding screen definition information of a rank setting screen for allowing a receiver to input the distribution rank by selection, or access information to the rank setting screen to each distribution information; and a distribution rank updating part updating the distribution rank stored in the distribution rank storage part, based on an input distribution rank which a receiver inputs by selection on the rank setting screen regarding the distribution information upon receiving the distribution information. (Abstract, 0017, 0035, 0051-0052, 0055, 0066, 0070, 0071)

However, Reilly does not explicitly indicate that the rank is selected in advance by the receiver before receiving distribution information from the sender. Theimer et al teaches the selection of a rank based upon a pre-existing user-defined profile that is set up prior to receiving information from the sender (see abstract; col 4, lines 33-43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Theimer et al into those of Reilly to make the system automated. By allowing the user to create a profile by which all incoming

messages would be judged by, as opposed to the method taught by Reilly, one would not have to specify similar information on a continuous basis.

As to claim 2, Reilly teaches an information distribution apparatus according to claim 1, wherein the distribution conditions further include designation of a distribution time. (0059, 0065)

As to claim 3, Reilly teaches an information distribution apparatus according to claim 1, comprising a retransmission processing part receiving a request for transmission of an original of distribution information from a receiver of distribution information subjected to the summarization processing, extracting an original stored in the distribution information storage part, and distributing the original to the receiving apparatus through the sending/receiving control part. (Abstract, 0091-0093)

As to claim 4, Reilly teaches an information distribution apparatus according to claim 1, comprising a rank information passing part for totalizing distribution ranks stored in the distribution rank storage part, and sending the totalized result to the sending apparatus through the sending/receiving control part. (Abstract, 0017, 0041, 0055-0066, 0070, 0101)

As to claim 6, Reilly teaches an information distribution apparatus according to claim 5, wherein the rank setting screen includes a questionnaire column in addition to a selection column of the distribution rank, the information distribution apparatus comprising: a questionnaire result storage part storing answer data to the questionnaire column; a questionnaire record updating part receiving answer data to the questionnaire

column from the receiving apparatus through the sending/receiving control part, and updating contents stored in the questionnaire result storage part; and a questionnaire information passing part totalizing questionnaire results stored in the questionnaire result storage part, and sending the totalized result to the sending apparatus through the sending/receiving control part. (Abstract, 0017, 0033-0035, 0041, 0047, 0060, 0062, 0071)

As to claim 7, Reilly teaches an information distribution apparatus according to claim 6, comprising a menu storage part storing predetermined questionnaire contents and questionnaire contents provided by each sender, wherein questionnaire contents to be displayed in the questionnaire column on the rank setting screen are selected by each sender from questionnaire contents stored in the menu storage part. (Abstract, 0017, 0071, 0071, 0072)

As to claim 8, Reilly teaches an information distribution apparatus according to claim 1, wherein the distribution rank storage part includes a region for storing a distribution rank selected by each receiver on a sender basis or on the basis of the kind of information distributed from each sender. (Abstract, 0071, 0072)

As to claim 9, Reilly teaches an information distribution apparatus according to claim 1, wherein summarization processing of distribution information by the summarization processing part is either one of the following processing selected by each sender: processing of conducting summarization based on a predetermined rule and processing of outputting an abstract previously provided together with the

distribution information in accordance with each distribution rank from the sender as a summarized result. (Abstract, 0051, 0052, 0059, 0069)

As to claim 10, Reilly teaches an information distribution apparatus according to claim 1, comprising a standard rank determining part determining an initial distribution rank based on evaluation by a plurality of receivers. (0105)

Claim 11 is rejected for essentially being the method for the apparatus described in claim 1.

Claim 12 is rejected for essentially being the method for the system described in claim 3.

Claim 13 is rejected for essentially being the method for the system described in claim 4.

Claim 15 is rejected for essentially being the method for the system described in claim 6.

Claim 16 is rejected for essentially being the method for the system described in claim 7.

Claim 17 is rejected for essentially being the method for the system described in claim 8.

Claim 18 is rejected for essentially being the method for the system described in claim 9.

Claim 19 is rejected for essentially being the method for the system described in claim 10.

Claim 20 is rejected for essentially being the computer program3 product for the apparatus described in claim 1.

As to claim 22, Reilly teaches the information distribution apparatus according to claim 1, wherein the distribution conditions include a summarization degree selected from summarization degrees of the distribution information in the plurality of levels and designation of a distribution time of the distribution information (0015, 0017, 0031-0035).

Claim 23 is rejected for essentially being the method for the system described in claim 22.

Claim 24 is rejected for essentially being the computer program product for the system described in claim 22.

Response to Arguments

5. Applicant's arguments filed have been fully considered but they are not persuasive.

6. Applicant argues in substance,

7. a. *nothing has been cited to suggested that the "category profile data structure" is transmitted back to a server or sent from the server to a client computer.*

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., category profile data structure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, it should be understood that the profile is accessed at some point. For instance, paragraph 0057 shows the data structure is sent to a server thus reads on the limitation.

8. b. *Reilly does not clearly describe when the action illustrated by Fig. 5 occurs.*

In response, throughout the prosecution the applicant uses phrases like "assume" or "suggests". However, the applicant must rely on the teachings of the references as a whole. Adding limitations in the references for the sake of interpreting them differently does not change the fact that the breadth of the claims is still covered by the cited disclosure.

9. With regards to the "Request for interview", the applicant has been contacted with suggested changes to the claim language to possibly put the case in condition for allowance. The examiner remains open to any discussion.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to 3 whose telephone number is (571)272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN

/saleh najjar/
Supervisory Patent Examiner, Art Unit 2155